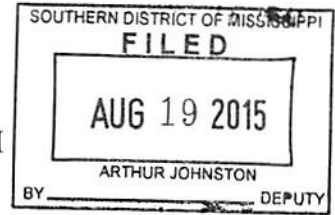


IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION



DARRIAN INGRAM

PLAINTIFF

VS.

CIVIL ACTION NO. 3:15cv601CWR-FKB

OASIS HEALTH AND REHAB  
OF YAZOO CITY, LLC

DEFENDANT

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**NOTICE OF REMOVAL**

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COMES NOW defendant, Oasis Health & Rehab of Yazoo City, LLC (erroneously referred to as "Oasis Health and Rehab of Yazoo City, LLC") ("defendant"), by and through counsel, and files this, its Notice of Removal of this cause to the United States District Court for the Southern District of Mississippi, Northern Division, and would show unto the Court the following:

**I. JURISDICTION AND VENUE**

1. Plaintiff, Darrian Ingram ("plaintiff") filed a civil action against defendant alleging medical malpractice.

2. Oasis Health & Rehab of Yazoo City, LLC is a foreign limited liability corporation organized under the laws of the State of Delaware and whose sole member is a corporation organized in Delaware with its principal place of business located in the State of Tennessee.

3. Plaintiff filed his Complaint in the Circuit Court of Yazoo County, Mississippi, styled "Darrian Ingram vs. Oasis Health and Rehab of Yazoo City, LLC," Civil Action No. 2015-CI26.

4. Plaintiff served his Complaint upon Oasis Health & Rehab of Yazoo City, LLC on or about July 23, 2015; therefore, pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1446(b), this Notice of Removal is timely filed within the thirty (30) days of receipt of service of process.

5. The United States District Court for the Southern District of Mississippi, Northern Division, is the district and division embracing the place where the aforementioned action was filed.

## **II. DIVERSITY OF CITIZENSHIP AND AMOUNT IN CONTROVERSY**

### **A. PARTIES**

6. This Court has original jurisdiction over this civil action pursuant to 28 U.S.C. § 1332 in that complete diversity exists between the properly named parties herein and the amount in controversy, exclusive of interest and costs, exceeds \$75,000.00.

7. Plaintiff is a resident citizen of the State of Mississippi. *Plaintiff's Complaint*, ¶ 3, Ex. "A".

8. Defendant, Oasis Health & Rehab of Yazoo City, LLC, is a foreign limited liability company organized under the laws of the State of Delaware, whose sole member, through various layers, is a corporation organized in Delaware whose principal place of business is located in the State of Tennessee.

### **B. AMOUNT IN CONTROVERSY**

9. While denying that plaintiff is entitled to any sum or relief of, from or against defendant, the amount in controversy in this civil action is alleged to exceed \$75,000.00, exclusive of interest and costs, as evidenced by plaintiff's Complaint seeking compensatory and punitive damages.

10. Pursuant to 28 U.S.C. § 1332, this Court has original jurisdiction since it is a civil matter, the amount in controversy is in excess of \$75,000.00 and the properly joined parties are of diverse citizenship.

### III. CONCLUSION

11. Defendant hereby gives written notice of the filing of this Notice of Removal to plaintiff, and a true and correct copy of this Notice is being filed with the Clerk of the Circuit Court of Yazoo County, Mississippi, as required by 28 U.S.C. § 1446(d).

12. In further support of this Notice, defendant attaches a copy of any/all pleadings served upon it in this action as follows:

Exhibit "A": Plaintiff's Complaint

Exhibit "B": Plaintiff's First Set of Interrogatories and Request for Production of Documents to Defendant

13. Pursuant to L.U.Civ.R. 5(b), defendant will electronically file a complete copy of the state court record within fourteen (14) days from the date of removal.

WHEREFORE Oasis Health & Rehab of Yazoo City, LLC (erroneously referred to as "Oasis Health and Rehab of Yazoo City, LLC"), respectfully removes this action from the Circuit Court of Yazoo County, Mississippi, pursuant to 28 U.S.C. § 1441.

THIS the 19<sup>th</sup> day of August, 2015.

Respectfully submitted,

OASIS HEALTH & REHAB OF YAZOO CITY,  
LLC (ERRONEOUSLY NAMED AS "OASIS  
HEALTH AND REHAB OF YAZOO CITY,  
LLC"), DEFENDANT

BY: 

EUGENE R. NAYLOR (MSB #3757)  
JASON P. VARNADO (MSB #103839)

OF COUNSEL:

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[jpv@wisecarter.com](mailto:jpv@wisecarter.com)


**CERTIFICATE OF SERVICE**

I, Eugene R. Naylor, one of the attorneys of record for Defendant, do hereby certify that I have this day caused to be mailed via U.S. Mail, postage prepaid, a true and correct copy of the above and foregoing Notice of Removal to the following:

Levi Boone, III, Esq.  
BOONE LAW FIRM, P.A.  
Post Office Box 1772  
Cleveland, Mississippi 38732-1772  
ATTORNEY FOR PLAINTIFF

Robert Coleman  
Yazoo County Circuit Clerk  
Post Office Box 108  
Yazoo City, Mississippi 39194

THIS the 19<sup>th</sup> day of August, 2015.

  
\_\_\_\_\_  
EUGENE R. NAYLOR